

# SHER TREMONTE LLP

November 20, 2023

## **BY ECF**

Hon. Taryn A. Merkl  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re:   *Trooper 1 v. NYSP et al.*, 22-cv-893 (LDH) (TAM)  
      *Cuomo v. Boylan*, 23-mc-1587 (LDH) (TAM)**

Dear Judge Merkl:

The November 17, 2023 letter from Ms. Boylan’s counsel confirms that there was no “agreed upon accommodation” to limit the scope of the OAG Subpoena, as counsel had represented during the September 26, 2023 status conference. Instead, it appears that Ms. Boylan produced only the small number of documents she wanted to produce, and the OAG simply accepted it and did not follow up about the many other documents in Ms. Boylan’s possession directly responsive to the OAG Subpoena (*e.g.*, communications with other complainants, documents relating to Ms. Boylan’s allegations including drafts of her essay about Governor Cuomo, and Ms. Boylan’s communications with other witnesses and the press). This is yet further evidence of the slipshod nature of the OAG Investigation—the breadth of the OAG Subpoena reflects a clear understanding that Ms. Boylan’s communications with others, including her communications with other complainants and witnesses, were material evidence related to Ms. Boylan’s motives and credibility. Yet the OAG gave Ms. Boylan a complete pass on subpoena compliance, even after she testified to the OAG that she was in frequent communication with many others about the allegations against Governor Cuomo and even after the OAG learned that Ms. Boylan had threatened witnesses and was not truthful about many critical facts.

Putting aside how poorly this reflects on the OAG Investigation, it most certainly confirms that Governor Cuomo should not be required to accept Ms. Boylan’s self-curated 25-page OAG production as satisfactory.

Respectfully submitted,

*/s/ Theresa Trzaskoma*

Theresa Trzaskoma